UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,017	07/16/2003	David Heller	APL1P288/P3054	1693

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EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/622,017*	HELLER ET AL.
	Examiner	**Art Unit**	
	Andrew Caldwell	2142	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>09 January 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *1-42*.

   Claim(s) withdrawn from consideration: *None*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

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Continuation of 11. does NOT place the application in condition for allowance because: the arguments presented are not deemed persuasive.

The Applicants' response appears to misunderstand the reasons for rejection. For example, with respect to claim 1, Kent teaches accessing, by a second program (web browser), a data communication file (web page file used to produce page displayed in Fig. 19.1 or 19.2, where the listing includes media files as specified on p. 263) provided by a first application program (web server serving web page); producing a user interface on the display using data internal to the data communication file (web browser displays web page/user interface (Figs. 19.1 or 19.2) using web page file downloaded from web server); receiving a user selection with respect to the user interface (user clicks on link to access a file); identifying a media content file associated with the user selection (web server retrieves file selected by user); associating a media content file identified by the user selection to the second application program (where the media content file is "associated" with the browser as the browser plays the media). Although Kent does not explictily teach a first application program utilizing database data and the data communication file being derived from the database data, Groos does teach this limitation. Groos teaches a system in which user authentication during access to a web site is protected by exchanging the authentication information with a host through a database system (pars. 28-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Kent's system a password protected FTP site (Kent p. 267 private FTP site) using Groos's authentication system because the system of Groos makes the storage of passwords more secure (par. 3). In the resulting system, the web page displayed to the user would be derived from the database data because the web page displayed would differ based on whether the user was successfully authenticated. Authenticated users would see the pages in Figs. 19.1 or 19.2. Unauthenticated users would not.

As to the applicants' argument that the combination fails to teach a method in which the data communication ile is derived from database data, the argument is not persuasive. As discussed above, authenticated users would see a web page like the ones in Figs. 19.1 or 19.2. Unauthenticated users would not see a list of available files. Both sets of information are derived from the database data in the sense that the authentication system controls what information the user sees.

As to the Applicants' arguments with respect to claim 15, they are referred to the discussion of Kent above. The examiner would merely note that a web server automatically servers a web page file because it does so without human intervention.

As to the Applicants' argument with respect to claim 27, it is noted that there is no language in the body of the claim that requires all of the programs to execute on the same system.